

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES OF AMERICA)
)
 v.) No. 4:19CR00116-001 BSM
)
 ANDREW SCOTT PIERSON)
)

**SUPPLEMENTAL SENTENCING MEMORANDUM IN SUPPORT OF
THE UNITED STATES' MOTION FOR UPWARD DEPARTURE AND VARIANCE**

The United States of America, by and through Jonathan D. Ross, United States Attorney for the Eastern District of Arkansas, and Anne E. Gardner, Assistant United States Attorney, respectfully submits this supplemental sentencing memorandum incorporating sentencing hearing exhibits for the Court's consideration.

I. BACKGROUND

On November 9, 2021, the Defendant pleaded guilty to Count 2 of the Fourth Superseding Indictment charging him with Conspiracy to Violate the Arms Export Control Act, in violation of 22 U.S.C. § 2778, 22 C.F.R. §§ 121.1 and 123.17. The Presentence Investigation Report (PSR 2nd draft, revised on February 11, 2022), calculates the Defendant's total offense level as 28 and his criminal history category as III. With the reduction of the third point for timely acceptance of responsibility, the advisory Guidelines range is 70 to 87 months' imprisonment. The statutory maximum sentence for Count 2 is twenty years. Pursuant to Paragraph 5D of the Plea Agreement (docket no. 267), the parties agreed to litigate any Guidelines enhancements or reductions except the application of leadership role. The Plea Agreement does not restrict either party from seeking a variance from the recommended Guidelines range pursuant to 18 U.S.S.G. § 3553(a). On February 22, 2022, the United States filed a Sentencing Memorandum and Motion for Upward

Departure and Variance (docket no. 273). The United States requested a hearing at which to present evidence and testimony. The hearing is set for April 20, 2022 from 1:00 p.m. to 2:00 p.m. In anticipation of that hearing, the United States submits this supplemental memorandum attaching Exhibits and further outlining the substance of anticipated witnesses' testimony.

II. EVIDENCE

From November 2014, until December 2018, the Defendant was a fugitive from justice in the United States who participated in a firearm manufacturing and repair operation in Laredo Nuevo, Mexico (the Operation). In the Operation, the Defendant used parts and equipment shipped across the border to repair firearms and convert 80% lower AR-type receivers into functioning weapons for use by drug cartels, specifically, the “Cartel Del Noreste” (CDN) in Nuevo Laredo, Mexico, and the “Cartel Jalisco Nueva Generacion” (CJNG) in Guadalajara, Mexico. The Defendant was associated in the Operation with Julio Garcia, co-defendant Maria Almendarez’s brother, who was a Mexican national living in Nuevo Laredo. Maria Almendarez and Julio Garcia worked in the Operation at the direction of the Defendant. In September 2018, Julio Garcia went missing and is thought to have been executed by CDN.

Beginning in or about 2014 and continuing to December 2018, the Defendant ordered firearm parts and firearm manufacturing materials and equipment on the Internet that were delivered to Maria Almendarez in Laredo, Texas. Maria Almendarez, in coordination with others, transported the firearm parts and firearm manufacturing materials and equipment across the Mexican border and delivered them to an auto repair shop in Nuevo Laredo operated by the Defendant, to the Defendant’s residence at 1449 Jalisco Street, Nuevo Laredo, and to a nearby residence later occupied by the Defendant’s mother. Cash proceeds generated from the Operation were given by the Defendant to Maria Almendarez, who transported the cash from Mexico to

Laredo, Texas and deposited it into a Bank of America account in the name of Oscar Almendarez. The Defendant used this account to pay for Internet orders in the names of other individuals, including Oscar Almendarez DBA Preppers Supply.

In September 2018, following the disappearance of Julio Garcia, Maria Almendarez refused to return to Mexico. Thereafter, the Defendant and Maria Almendarez recruited new individuals to work in the Operation. In October and November 2018, the Defendant instructed Abraham Calderon, Alejandro Quiroz, and Enrique Olivas to set up bank accounts in their names and the names of the following fictitious businesses: Calderon Parts (Calderon), ACR Restorations and Quiroz Restorations (Quiroz), and ACR Restorations (Olivas). From November 2018 to December 2018, the Defendant funded and used these accounts to pay for firearm parts and equipment he ordered on the Internet and had shipped to locations in Laredo, Texas, including 313 W. Elm Street. Thereafter, the items were transported by Quiroz and others across the Mexican border to the Defendant's residence in Nuevo Laredo, Mexico.

On or about December 11, 2018, Mexican authorities conducted a search at the Defendant's residence located at 1449 Jalisco Street, Nuevo Laredo, Mexico. As part of the search, photographs of the residence were taken and preserved. As part of the further investigation, photographs of items seized from the residence were taken in a warehouse setting and preserved. In 2020, as part of the United States prosecution of the Defendant in the Eastern District of Arkansas, the United States received from the Mexican Government copies of the photographs taken during the search of the Defendant's residence, as well as photographs documenting the items seized. These photographs are attached to this Supplemental Brief as Exhibits 1 through 39 and are further described below:

Exhibit	Description

1	Stairway to second floor of residence
2	Hallway on second floor of residence w/ bead blasting machine used in finishing firearms
3	Tote containing rifle shell casings
4	Tote containing firearm parts
5	Drill press and milling machines in second floor bedroom
6	Metal bending press for AK receivers and drill press /milling machines
7	Metal bending press for AK receivers
8	Buckets and totes of various gun parts
9	Flatbed truck with items removed from residence
10	Tote containing pistol grips for long guns
11	Tote containing gun stocks and feed tray covers
12	Tote containing AK flats
13	High capacity magazines
14	AR-15 lower receiver cutting templates
15	Bucket of smaller-caliber shell casings
16	Bucket of rifle shell casings
17	Tote of rifle casings
18	Bucket of shell casings
19	Box of bullets
20	Several boxes of bullet primers
21	1000 count bags of .223 caliber bullets
22	Bag of .50 caliber casings
23	Bags of abrasive material and gun bluing chemicals

24	Pile of triggers
25	Tote of machine gun barrels
26	AR-15 bolt carrier groups, M203 grenade launch tubes
27	Grenade launch tubes
28	Machine gun muzzle device
29	Machine gun side plates
30	Machine gun side plate
31	Machine gun barrel
32	Partially milled AR-15 lower receivers
33	Numerous partially assembled AK receivers
34	Bent and partially cut out AK receiver flats
35	AR-15 jig
36	AR-15 and pistol jigs
37	Dies for assembling ammunition
38	Tote of unfinished pistol frames
39	Ghost Gunner CNC machine used to complete 80% lower AR-15 receivers

During the investigation, the United States subpoenaed records of firearm parts suppliers from whom the Defendant placed Internet orders. The order forms confirm various firearm components, manufacturing equipment, and tactical gear ordered by the Defendant and shipped to co-conspirators in Laredo, Texas. These parts, equipment, and tactical gear were destined to be smuggled across the Mexican border to the Defendant in Nuevo Laredo, Mexico. Some of the

receipts from November and December 2018 are attached to this Supplemental Brief as Exhibits 40 through 50 and are further described below:

Exhibit	Description
40	Receipt from Gunbroker.com, 11/16/2018, \$2100 for Ghost Gunner, to be delivered to 313 W. Elm St., Laredo, TX
40-A	Receipt from Amazon, 11/23/2018, \$1800 for Ghost Gunner II machine and \$77.40 for AR-15 Starter Kit, to be delivered to 313 W. Elm St., Laredo, TX
41	Receipt from Brownells, Inc. 11/14/2018 for AR-15 lower receivers and upper receivers to be delivered to 313 W. Elm St., Laredo, TX
42	Receipt from Barrett Firearms Manufacturing, Inc., 12/8/2018, \$4,967 for Upper Receiver Kit, M82A1, .50 caliber, 20" blac, to be delivered to 313 W. Elm St., Laredo, TX
43	Receipt HK Parts, 12/10/2018, 9mm SEF Full Auto Trigger Pack, to be delivered to 313 Elm St., Laredo, TX
44	Receipt Centerfire Systems, 12/10/2018, MWG AR-15 M-16 .223/5.56 90 round drum magazine, \$1079.88, Factory Glock G22 Gne 3 40S&W Replacement parts kit, \$599.98, to be delivered to Enrrique Olivas, 7305 San Dario Ave, #363, Laredo, TX
45	Receipt Amazon, 11/29/2018, various small firearm parts totaling \$240.32, to be delivered to 313 W. Elm St., Laredo, TX
46	Receipt Botach, Inc., 11/26/2018, seven (7) LonFri Tactical Ballistic Helmets, \$1429.64, to be delivered to 313 W. Elm St., Laredo TX
47	Internet communication with LongFri in regard to ordering 25 LongFri Tactical Ballistic Helmets size large, and 25 LongFri Tactical Ballistic Helmets size XL
48	Receipt Infidel Body Armor, 11/14/2018, \$1199.00 for 6 body armor plate sets, to be delivered to 313 W. Elm St., Laredo, TX
49	Receipt Infidel Body Armor, 11/19/2018, \$1799.99 for 9 body armor plate sets, to be delivered to 313 W. Elm St., Laredo, TX
50	Receipt IDO Tactical, \$760, tactical elbow and knee pads (10), magazine pouches (27), leg holster (1), to be delivered to 313 W. Elm St., Laredo, TX

The above photographs and receipts are from the time period of November 2018 through December 2018, during which timeframe, the Defendant was running the Operation from his residence in Nuevo Laredo. Julio Garcia had been missing since September 2018, and Calderon, Quiroz, and Olivas participated in the Operation through setting up of bank accounts, providing personal information that the Defendant used to place Internet orders, and transporting parts across the border. The Defendant was the individual responsible for the actual firearm manufacture and

repair. The Defendant, in his post-Miranda recorded statement, admitted to having the knowledge and expertise to build and repair firearms. The Defendant acknowledged that he worked for the Cartels in this capacity, and that he was a valuable asset because of this expertise.

The quantity of firearm parts, as well as the sophisticated equipment located in the Defendant's residence shows that the Defendant engaged in a large-scale firearm manufacturing and repair operation over a lengthy period of time. The Defendant used his access to United States bank accounts and his firearms knowledge and expertise to benefit CDN and CJNG, two violent drug cartels. In addition to firearms, the Internet receipts show that the Defendant obtained paramilitary gear, including over 75 tactical ballistic helmets and numerous sets of body armor, to arm and outfit CDN soldiers. The Operation headed by the Defendant's is responsible for placing hundreds of weapons, whether refurbished, repaired, or newly made, into the hands of cartel members who used them to facilitate drug trafficking and other violence.

CONCLUSION

WHEREFORE, the United States submits the above evidence in support of its request for a period of incarceration of twenty years to account for the seriousness of the Defendant's offense against the citizens of the United States and the citizens of Mexico.

Respectfully submitted,

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